

PUBLIC MEETING
April 27, 2010
MINUTES

Chairman Mike Murray called the meeting to order at 9 a.m.

Commissioners Derek Brown and Andy Hunthausen were present. Others attending all or a portion of the meeting included Eric Bryson, Paul Stahl, Kelly Blake, Audra Zacherl, Dave Schmitz, Greg McNally, Cheryl Green, Laura Erikson, Diana Maneta, Leo Dutton, Clint Pullman, Bob Pankratz, Paul Paulsen, Beth Norberg, Frank Rives, Kathy Moore, Melanie Reynolds, Joe Mueller, Mark Simonich, Jack Walsh, Jana Suchy, and Rita Cortright, Recording Secretary.

Pledge of Allegiance. Everyone recited the Pledge.

Consent Action Items. (Eric Bryson)

- a. Resolution 2010-140 Ordering a Refund of Taxes/Fees/Assessments Paid by Luther Newman in the Amount of \$66.45. (Cheryl Green)
- b. Resolution 2010-141 Ordering a Refund of Taxes/Fees/Assessments Paid by Kurt E. Hill in the Amount of \$19.50. (Cheryl Green)
- c. Resolution 2010-142 Ordering a Refund of Taxes/Fees/Assessments Paid by David Schwichtenberg in the Amount of \$43.22. (Cheryl Green)
- d. Resolution 2010-143 Ordering a Refund of Taxes/Fees/Assessments Paid by Mary Alice Chester in the Amount of \$49.12. (Cheryl Green)
- e. Resolution 2010-144 Ordering a Refund of Taxes/Fees/Assessments Paid by Herman A. Woehl in the Amount of \$101.44. (Cheryl Green)
- f. Resolution 2010-145 Ordering a Refund of Taxes/Fees/Assessments Paid by Lloyd Bailly in the Amount of \$78.01. (Cheryl Green)
- g. Resolution 2010-146 Ordering a Refund of Taxes/Fees/Assessments Paid by Laurence and Barbara Schroeder in the Amount of \$279.95. (Cheryl Green)
- h. Resolution 2010-147 Ordering a Refund of Taxes/Fees/Assessments Paid by Elizabeth A. Hughey in the Amount of \$283.16. (Cheryl Green)
- i. Resolution 2010-148 Ordering a Refund of Taxes/Fees/Assessments Paid by Leo Bailly in the Amount of \$647.09. (Cheryl Green)
- j. Resolution 2010-149 Ordering a Refund of Taxes/Fees/Assessments Paid by Leisure Village in the Amount of \$134.15. (Cheryl Green)
- k. MDT Community Transportation Enhancement Program (CTEP) Project Application for Sidewalks and Pedestrian Crossings on 300 Block of Benton Avenue. (Laura Erikson)
- l. U.S. DOE Energy Efficiency & Conservation Block Grant Assistance Agreements DE-RW0000162 and DE-RW0000197 for Energy Efficiency Improvements to the City-County Building in the Amount of \$227,588. (Diana Maneta)
- m. Independent Contractor Contract Between Lewis and Clark County and Bjerke Construction, Inc. for Construction of Opening for Installation of Cooler Outside the "Sally Port" at the Law Enforcement Center, 221 Breckenridge, Helena. (Audra Zacherl, Dave Schmitz)

- n. Independent Contractor Contract Between Lewis and Clark County and COMMTECH Services, Inc. to Provide Walk-In Cooler for the Law Enforcement Center, 221 Breckenridge, Helena. (Audra Zacherl, Dave Schmitz)
- o. Disposal of Records – County Planning Department (Paulette DeHart)

CAO Bryson reported on the consent action items and recommended approval.

Commissioner Brown requested that item “m” be pulled for discussion.

No public comments were received.

Commissioner Brown moved approval of the remaining action items and authorized the Chair to sign where appropriate. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Consent action item “m.” The discussion entailed removing the language, “not to exceed” under the Compensation section. This will allow for change orders on the contract, which has a certain level of uncertainty in it, and also recognizing that change orders would have to be authorized by the Commission.

No public comments were received.

Commissioner Brown moved approval of the contract upon removing “not to exceed” language and authorized the chair to sign. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Presentation of Check from Helena Association of Realtors to Assist Lewis & Clark County in Developing Homeowner Materials for the Septic Tank Program. Joe Mueller, on behalf of the Helena Association of Realtors, presented a check for \$5,000 to Lewis and Clark County to assist in informing and educating the residents about the value of septic system maintenance.

Resolution 2010-128 Setting Sheriff’s Fees for Services. (Deputy Clint Pullman) The Commission will consider the resolution.

Sheriff Leo Dutton stated that Sheriff’s fees have not been raised for ten years. Deputy Pullman reviewed the proposed fees and compared rates with other counties. The reason for the increase of fees was due to steadily increasing workload. Sheriff Dutton briefly explained the uniqueness of the Sheriff’s budget and how it differs from other budgets within the county.

Public comments -

Bob Pankratz, Private Processor, supported the Sheriff’s Office raising their fees.

Paul Paulsen, Williams Investigations, concurred with Mr. Pankratz’s comments and

supported the fee increase.

No other public comments were received.

Commissioner Brown moved approval of the resolution as recommended by the Sheriff. Commissioner Hunthausen seconded the motion. The motion carried 3-0.

Request for Modification of Conditions of Approval – Paradise Valley Subdivision.
(Applicant: Wayne Wilson) The applicant is requesting the Commission reconsider Condition 6.a. and 6.b. of Preliminary Plat Approval.

Frank Rives reported that the applicant has requested that the commission reconsider their decision on conditions 6.a. and 6.b relating to off-site road improvements and to waive the fee for the modification of conditions approval process. The commission may also consider that the applicant pay a minimal fee to cover the cost of legal advertising.

Commissioner Brown moved to consider modifying conditions 6.a and 6.b. and to waive the fee. Commissioner Hunthausen seconded the motion.

Commissioner Hunthausen offered an amended motion to exclude the fee consideration at this time, but move forward with consideration of the modification. Commissioner Murray seconded the motion.

Commissioner Hunthausen included in his amended motion the date of May 13 for commission action. Commissioner Brown seconded the motion.

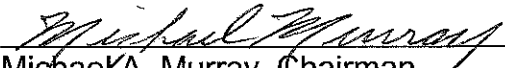
Commissioner Hunthausen withdrew his former motion and moved to remove the consideration of the fee at this time. Commissioner Murray seconded the motion. Commissioner Brown opposed the motion. The motion carried 2-1.

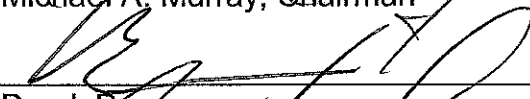
The main motion for consideration including discussion of the fee and moved forward to the May 13 public agenda carried 3-0.

Public comments on any public matter within the jurisdiction of the Commission that is not on the agenda above. None.

There was no other business, the meeting adjourned at 9:51 a.m.

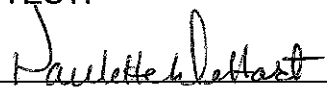
LEWIS AND CLARK COUNTY
BOARD OF COMMISSIONERS


Michael A. Murray, Chairman


Derek Brown


Andy Hunthausen

ATTEST:


Paulette DeHart, Clerk of the Board